

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-143-E and 2021-144-E ORDER NO. 2021-102-H

JULY 20, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Application of Duke Energy Progress, LLC (“DEP”) for Approval of Smart \$aver Solar as Energy Efficiency Program

Application of Duke Energy Carolinas, LLC (“DEC”) for Approval of Smart \$aver Solar as Energy Efficiency Program

MATTER UNDER CONSIDERATION:

Petitions to Intervene of South Carolina Coastal Conservation League (“CCL”), Southern Alliance for Clean Energy (“SACE”), North Carolina Sustainable Energy Association (“NCSEA”), and Upstate Forever (collectively, “Petitioners”) in both Dockets

CHIEF HEARING OFFICER’S ACTION:

This matter comes before the Chief Hearing Officer on the Petitions to Intervene of CCL, SACE, NCSEA, and Upstate Forever in these two Dockets. The Petitions are timely filed, and no objections to the interventions have been filed.

These Dockets were opened for the purpose of examining Petitions for approval of Smart \$aver Solar Energy Efficiency Programs for DEC and DEP, so that such programs could potentially be included in the Companies’ suites of energy efficiency and demand side management programs. The Programs are designed to reduce energy consumption by incentivizing the installation of rooftop solar at residential households. Specifically, the Program gives the customers the option to earn an upfront incentive for installing rooftop solar if they also enroll in the winter-focused Power Manager Load Control Service Rider, known as Bring Your Own Thermostat (“Winter BYOT Program”). This program provides for winter-focused demand response and was previously approved for both DEP and DEC in Order No. 2020-830.

CCL is a nonprofit corporation organized under the laws of the State of South Carolina whose stated mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in its communities by working with individuals, businesses, and government to ensure balanced solutions. CCL and its members state their support for the development of energy policy that is in the public interest of South Carolinians. CCL asserts that it has members in South Carolina who receive electricity service from Duke Energy and who will be directly impacted by the net metering and

energy efficiency policies at issue in this proceeding. Commission approval of the Program will provide those members, according to CCL, with an opportunity to reduce their energy consumption and utility bills.

SACE is a nonprofit organization whose stated mission is to promote responsible and equitable energy choices to ensure clean, safe and healthy communities throughout the Southeast. SACE and its members are interested in promoting greater reliance on clean energy resources to meet the South's energy needs. SACE has members in South Carolina who receive electricity service from Duke Energy and who SACE asserts will be directly impacted by the net metering and energy efficiency policies at issue in this proceeding. Commission approval of the Program will provide those members, according to SACE, with an opportunity to reduce their energy consumption and utility bills.

NCSEA is a non-profit corporation formed under the laws of North Carolina, with individual, business, and government members located and doing business in both North Carolina and South Carolina. NCSEA's stated mission is to promote a sustainable future through the use of renewable energy and energy efficiency programs. NCSEA asserts that it seeks to achieve its objectives by advocating for public policies that encourage the responsible technological and market development of renewable energy and energy efficiency, including all aspects of demand side management, a smart grid, energy storage, and vehicle electrification. NCSEA members include businesses that sell, install, and lease customer-sited solar generation and whose business will be directly impacted, according to NCSEA, if more customers are incentivized under the Program to install rooftop solar.

Upstate Forever is a non-profit, membership-based organization existing under the laws of the State of South Carolina. Upstate Forever states that it promotes sensible growth and the protection of the critical lands, waters, and unique character of Upstate South Carolina. Upstate Forever has members in South Carolina who receive electricity service from Duke Energy and who, according to Upstate Forever, will be directly impacted by the net metering and energy efficiency policies at issue in this proceeding. Commission approval of the Program, also according to Upstate Forever, will provide those members with an opportunity to reduce their energy consumption and utility bills.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party or parties have clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention;
- (c) The position of the petitioner in the proceeding.

Petitioners state that they will advocate in support of Duke Energy’s application to provide customers with improved access to rooftop solar and additional ways to reduce their energy consumption. More generally, petitioners state that they seek to promote innovative tariffs, as well as energy efficiency and demand side management programs, that reduce reliance on fossil fuels and support the expansion of renewable energy in South Carolina. Petitioners’ note that their involvement in this docket will support clean energy decisions that they assert will lead to cleaner, safer, and healthier communities for all South Carolinians.

From these facts, this Hearing Officer holds that CCL, SACE, NCSEA, and Upstate Forever have successfully satisfied the three criteria for intervention stated in the Regulation. The Petitioners interest in these matters can clearly be discerned, as can the grounds for the intervention, and their position in both Dockets.

Further, the Petitions to Intervene were timely filed and there are no objections to the interventions. Accordingly, the Petitions to Intervene of CCL, SACE, NCSEA, and Upstate Forever are hereby granted in both Dockets. This ends the Chief Hearing Officer’s Directive.